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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration  
Submitted  
With Initial  
Filing

OR

☒Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

3802-166-27 NATL

First Named Inventor

Paul HALLENBECK

COMPLETE IF KNOWN

Application Number

10/553,386

Filing Date

October 17, 2005

Art Unit

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TMPRSS2 REGULATORY SEQUENCES AND USES THEREOF

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

10/17/2005

as United States Application Number or PCT International

Application Number

10/555,386

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
PCT/US2004/011623	WO	04/15/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 29585				OR <input type="checkbox"/> Correspondence address below	
Name					
Address					
City			State		ZIP
Country		Telephone		Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])			Family Name or Surname		
Inventor's Signature			Date		
Residence: City Chester Springs		State Pennsylvania		Country U.S.A.	Citizenship United States of America
Mailing Address 1207 Tullamore Circle					
City Chester Springs		State Pennsylvania		ZIP 19425-1214	Country U.S.A.
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Garret			Family Name or Surname HAMPTON		
Inventor's Signature			Date		
Residence: City San Diego		State California		Country U.S.A.	Citizenship Ireland
Mailing Address 5659 Arbor Grove Court					
City San Diego		State California		ZIP 92121	Country U.S.A.
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

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**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental Sheet

Page \_\_\_\_\_ of \_\_\_\_\_

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Carl		HAY	
Inventor's Signature		Date	
Damascus Residence: City	Maryland State	U.S.A. Country	United States of America Citizenship
28301 Honeysuckle Drive Mailing Address			
Mailing Address			
Damascus City	Maryland State	20872 Zip	United States of America Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ying		HUANG	
Inventor's Signature		Date	
Sept. 6, 2006			
Oleny Residence: City	Maryland State	U.S.A. Country	Canada Citizenship
5030 Tothill Drive Mailing Address			
Mailing Address			
Oleny City	Maryland State	20832 Zip	United States of America Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John		JAKUBCZAK	
Inventor's Signature		Date	
East Lyme Residence: City	Connecticut State	United States of America Country	United States Citizenship
5 Jean Drive Mailing Address			
Mailing Address			
East Lyme City	Connecticut State	06333 Zip	United States of America Country

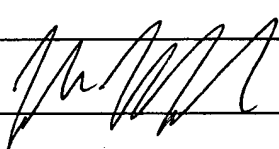
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Supplemental Sheet

Page ----- of -----

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Carl		HAY	
Inventor's Signature		Date	
Damascus Residence: City	Maryland State	U.S.A. Country	United States of America Citizenship
28301 Honeysuckle Drive Mailing Address			
Mailing Address			
Damascus City	Maryland State	20872 Zip	United States of America Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ying		HUANG	
Inventor's Signature		Date	
Oleny Residence: City	Maryland State	U.S.A. Country	Canada Citizenship
5030 Tothill Drive Mailing Address			
Mailing Address			
Oleny City	Maryland State	20832 Zip	United States of America Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
JOHN		JAKUBICZAK	
Inventor's Signature		Date	
		Aug 31, 2006	
East Lyme Residence: City	Connecticut State	United States of America Country	United States Citizenship
5 Jean Drive Mailing Address			
Mailing Address			
East Lyme City	Connecticut State	06333 Zip	United States of America Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**DECLARATION, POWER OF ATTORNEY AND PETITION**

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TMPRSS2 REGULATORY SEQUENCES AND USES THEREOF

the specification of which

☐ is attached hereto.

☒ was filed on October 17, 2005

as Application Serial No. 10/553,386

and amended on \_\_\_\_\_

☒ was filed as PCT international application

Number PCT/US04/11623

on April 15, 2004

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and

have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

Application No.	Country	Day/Month/Year	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<u>60/463,144</u> (Application Number)	<u>15 April 2003</u> (Filing Date)
<u> </u> (Application Number)	<u> </u> (Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)

And we (I) hereby appoint all practitioners associated with **Customer Number 29585** as our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to Patent Group, DLA Piper US LLP, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957.

Paul HALLENBECK  
NAME OF FIRST JOINT INVENTOR

Date \_\_\_\_\_

Residence: 5362 Caminito Vista Lujo  
San Diego, CA 92130

Citizen of: Ireland

Post Office Address: Same As Above

Date \_\_\_\_\_

Carl HAY  
NAME OF THIRD JOINT INVENTOR

Residence: 28301 Honeysuckle Drive  
Damascus, MD 20872

Signature of Inventor

Citizen of: United States of America

Post Office Address: Same As Above

Date \_\_\_\_\_

Ying HUANG  
NAME OF FOURTH JOINT INVENTOR

Residence: 5030 Tothill Drive  
Olney, MD 20832

Signature of Inventor

Citizen of: United States of America

Post Office Address: Same As Above

Date

John JAKUBCZAK  
NAME OF FOURTH JOINT INVENTOR

Residence: 5 Jean Drive  
East Lyme, CT 06333

Signature of Inventor

Citizen of: United States of America

Post Office Address: Same As Above

Date



**ASSIGNMENT OF APPLICATION**

WHEREAS, we, Paul HALLENBECK residing at 1207 Tullamore Circle, Chester Springs, Pennsylvania 19425, Garret HAMPTON, residing at 5659 Arbor Grove Court, San Diego, California 92121, Carl HAY, residing at 28301 Honeysuckle Drive, Damascus, Maryland 20872, Ying HUANG, residing at 5030 Tothill Drive, Oleny, Maryland 20832 and John JAKUBCZAK residing at 5 Jean Drive, East Lyme, Connecticut 06333 have invented certain new and useful improvements in: "TMPRSS2 REGULATORY SEQUENCES AND USES THEREOF" (hereinafter referred to as the "Invention"), for which an application for Letters Patent was filed on October 17, 2005 (Application No. 10/553,386); and

WHEREAS, Cell Genesys, Inc. (hereinafter referred to as "ASSIGNEE"), having a place of business at 500 Forbes Boulevard, South San Francisco, CA 94080, is desirous of acquiring the full and exclusive right in and to said Invention and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries;

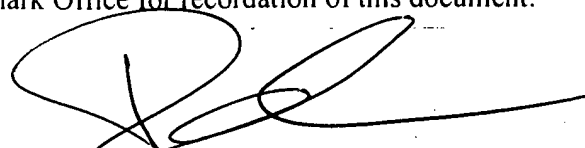
NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, we, by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right in and to said Invention in the United States and its territorial possessions and in any and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all subsequent applications based thereon including any and all divisions, continuations, substitutions, renewals and reissues thereof together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres.

We hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of our entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE and said ASSIGNEE's successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me had this Assignment and sale not been made.

Further, we agree that we will communicate to said ASSIGNEE or said ASSIGNEE's representatives any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally, do everything possible to aid said ASSIGNEE, and said ASSIGNEE's successors and assigns, to obtain and enforce proper protection for said Invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant the firm of DLA Piper Rudnick Gray Cary US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: 9/18/06

  
Paul HALLENBECK

Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Date: \_\_\_\_\_

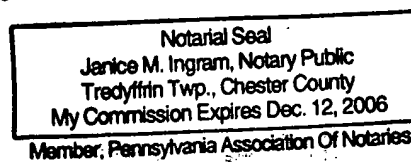
Ying HUANG

Date: \_\_\_\_\_

John JAKUBCZAK

Sworn to and subscribed before me  
this 18<sup>th</sup> day of Sept 18 2006





The undersigned hereby grant the firm of DLA Piper Rudnick Gray Cary US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: \_\_\_\_\_

\_\_\_\_\_  
Paul HALLENBECK

8 Date: September 19th, 2006

\_\_\_\_\_  
Garret HAMPTON

Date: \_\_\_\_\_

\_\_\_\_\_  
Carl HAY

Date: \_\_\_\_\_

\_\_\_\_\_  
Ying HUANG

Date: \_\_\_\_\_

\_\_\_\_\_  
John JAKUBCZAK

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN DIEGO

SS.

On SEPT. 19, 2006, before me,

Date

SHOLITA PACKER, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

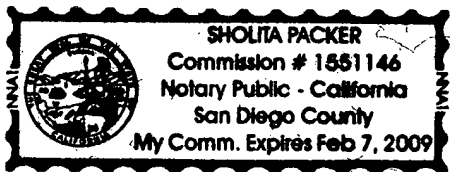
personally appeared

GARRET HAMPTON

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sholita Packer

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document:

ASSIGNMENT OF APPLICATION

Document Date:

SEPTEMBER 19, 2006

Number of Pages:

2

Signer(s) Other Than Named Above:

N/A

### Capacity(ies) Claimed by Signer

Signer's Name:

GARRET HAMPTON

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

SELF

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



The undersigned hereby grant the firm of DLA Piper Rudnick Gray Cary US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: \_\_\_\_\_

Paul HALLENBECK

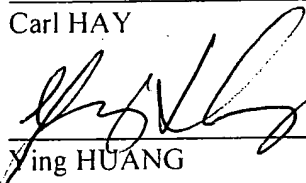
Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Date: Sept. 6, 2006

  
Ying HUANG

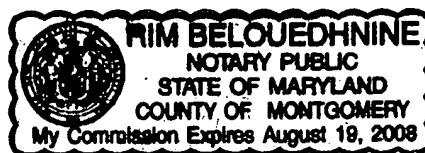
Date: \_\_\_\_\_

John JAKUBCZAK

Maryland, Montgomery County on 9/6/06

Notarizing MS. YING HUANG signature only on 9/6/06  
MODL as ID presented to





The undersigned hereby grant the firm of DLA Piper Rudnick Gray Cary US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: \_\_\_\_\_

Paul HALLENBECK

Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Date: \_\_\_\_\_

Ying HUANG

Date: Aug 31, 2006

John JAKUBOZAK

Subscribed and Sworn to before me, a Notary Public, in and for County of New London and State of Connecticut, this 31 day of August, 2006

Edward J. Herring  
Notary Public

Date Commission Expires \_\_\_\_\_

**EDWARD J. HERRING**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JAN. 31, 2011